

1-1 By: Creighton, et al. (Senate Sponsor - Williams) H.B. No. 2621
1-2 (In the Senate - Received from the House May 6, 2013;
1-3 May 7, 2013, read first time and referred to Committee on
1-4 Jurisprudence; May 20, 2013, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; May 20, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 West	X			
1-8 Rodriguez	X			
1-9 Campbell	X			
1-10 Carona			X	
1-11 Garcia	X			
1-12 Hancock	X			
1-13 Paxton			X	

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to disclaimers of estate property by certain
1-18 beneficiaries.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 122.051, Estates Code, as effective
1-21 January 1, 2014, is amended to read as follows:

1-22 Sec. 122.051. FORM AND CONTENTS. (a) A disclaimer of
1-23 property receivable by a beneficiary must be evidenced by written
1-24 memorandum acknowledged before:

1-25 (1) a notary public; or

1-26 (2) another person authorized to take acknowledgments
1-27 of conveyances of real estate.

1-28 (b) A disclaimer of property receivable by a beneficiary
1-29 must include a statement regarding whether the beneficiary is a
1-30 child support obligor described by Section 122.107.

1-31 SECTION 2. Subchapter C, Chapter 122, Estates Code, as
1-32 effective January 1, 2014, is amended by adding Section 122.107 to
1-33 read as follows:

1-34 Sec. 122.107. ATTEMPTED DISCLAIMERS BY CERTAIN CHILD
1-35 SUPPORT OBLIGORS INEFFECTIVE. (a) A disclaimer made by a
1-36 beneficiary who is a child support obligor of estate property that
1-37 could be applied to satisfy the beneficiary's child support
1-38 obligation is not effective if the beneficiary owes child support
1-39 arrearages that have been:

1-40 (1) administratively determined by the Title IV-D
1-41 agency as defined by Section 101.033, Family Code, in a Title IV-D
1-42 case as defined by Section 101.034, Family Code; or

1-43 (2) confirmed and reduced to judgment as provided by
1-44 Section 157.263, Family Code.

1-45 (b) After distribution of estate property to a beneficiary
1-46 described by Subsection (a), the child support obligee to whom the
1-47 child support arrearages are owed may enforce the child support
1-48 obligation by a lien or by any other remedy provided by law.

1-49 SECTION 3. The change in law made by this Act applies only
1-50 to a disclaimer filed on or after the effective date of this Act. A
1-51 disclaimer filed before the effective date of this Act is governed
1-52 by the law in effect on the date the disclaimer was filed, and the
1-53 former law is continued in effect for that purpose.

1-54 SECTION 4. This Act takes effect January 1, 2014.

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